SCOTTISH STATUTORY INSTRUMENTS

2011 No. 172

ANIMALS

DESTRUCTIVE ANIMALS

The Muntjac Keeping (Scotland) Order 2011

Approved by the Scottish Parliament

Made - - - -	*2nd February 2011*
Laid before the Scottish	
Parliament - - - -	*2nd February 2011*
Coming into force - -	*1st July 2011*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1 and 10 of the Destructive Imported Animals Act 1932(**1**), and all other powers enabling them to do so.

In accordance with section 10 of that Act the Scottish Ministers are satisfied with respect to the non-indigenous mammalian species(**2**) which are the subject of this Order that by reason of their destructive habits it is desirable to control the keeping of them and to destroy any such which may be at large.

Title, commencement and extent

1.—(1) This Order may be cited as the Muntjac Keeping (Scotland) Order 2011, and comes into force on 1st July 2011.

(2) This Order extends to Scotland only.

Interpretation

2. In this Order—

"1932 Act" means the Destructive Imported Animals Act 1932; and

"Muntjac" means an animal of the genus *Muntiacus*.

(**1**) 1932 c.12. The power in section 1 is extended in respect of species other than the muskrat by section 10 of the Destructive Imported Animals Act 1932 ("the 1932 Act"). Section 11 (interpretation) was amended by S.I. 1992/3302. The style and title of the Minister of Agriculture and Fisheries was changed to that of the Minister of Agriculture, Fisheries and Food by S.I. 1955/554. The functions of the Minister of Agriculture, Fisheries and Food and the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(**2**) See section 10(2) of the 1932 Act for the definition of "non-indigenous mammalian species".

Keeping of Muntjac

3. The keeping of Muntjac is prohibited except under a licence granted under the 1932 Act.

Modification of the 1932 Act

4. The provisions of the 1932 Act shall apply to the keeping of Muntjac subject to the modifications that in section 6(**3**), subsection (1)—

(a) paragraph (d) is omitted; and

(b) the reference to a penalty in the case of an offence under that paragraph is omitted.

St Andrew's House,
Edinburgh
2nd February 2011

R CUNNINGHAM
Authorised to sign by the Scottish Ministers

(**3**) Section 6 was relevantly amended in respect of Scotland by sections 289C, 289G, and 289F of the Criminal Procedure (Scotland) Act 1975 (c.21).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order regulates the keeping of animals of the genus *Muntiacus* (Muntjac deer), which are as shown in the table:

Common name	Scientific name
Indian (or common) muntjac	*Muntiacus muntjak*
Reeve's (or Chinese) muntjac	*Muntiacus reevesi*
Hairy-fronted (or Black) muntjac	*Muntiacus crinifrons*
Fea's muntjac	*Muntiacus feae*
Bornean yellow muntjac	*Muntiacus atherodes*
Roosevelt's muntjac	*Muntiacus rooseveltorum*
Gongshan muntjac	*Muntiacus gongshanensis*
Giant muntjac	*Muntiacus vuquangensis*
Truong Son muntjac	*Muntiacus truongsonensis*
Leaf muntjac	*Muntiacus putaoensis*
Sumatran muntjac	*Muntiacus montanus*
Pu Hoat muntjac	*Muntiacus puhoatensis*

Article 3 prohibits the keeping of Muntjac except under a licence granted by the Scottish Ministers under the Destructive Imported Animals Act 1932 ("1932 Act").

Article 4 of the Order modifies the effect of the 1932 Act so that it is not an offence to turn loose any Muntjac, or wilfully allow any Muntjac to escape.

It is an offence under section 6 of the 1932 Act to keep a Muntjac without a licence, or to act in contravention of any term of the licence, or to obstruct any officer or persons authorised by the Scottish Ministers in execution of a duty under that Act.

A business and regulatory impact assessment has been prepared for this Order. A copy of the assessment has been placed in the Scottish Parliament Information Centre. Further copies may be obtained from the Scottish Government Rural and Environment Directorate, Natural Resources Division, Victoria Quay, Edinburgh EH6 6QQ.